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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: L. Wells                      Art Unit: 1619  
Re:    Application of:                      Sackler, et al.  
      Serial No.:                            09/624,530  
      Filed:                                 July 24, 2000  
      For:                                    **METHOD OF TREATING HUMANS WITH  
   OPIOID FORMULATIONS HAVING  
   EXTENDED CONTROLLED RELEASE**

#18  
HKD  
3.25.03

**RESPONSE TO ADVISORY ACTION**

Box: RCE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

December 31, 2002

Sir:

In response to the Advisory Action mailed September 16, 2002, Applicants respectfully submit the following remarks:

**REMARKS**

Claims 6-23 are pending. Claims 6-23 remain rejected. In the Advisory Action the Examiner indicated that Applicants' request for reconsideration has been considered, but does not place the application in condition for allowance.

**I.     DOUBLE PATENTING REJECTION**

In the Advisory Action the Examiner maintained her rejection of claims 6-23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 5,478,577. The Examiner stated that "though the claims do not contain statements (i) and (ii)..., 5,478,577 and the instant Application claim the same controlled-release oral dosage form. Hence, the controlled-release dosage form of 5,478,577 and the instant